

REMARKS

In an Advisory Action mailed March 5, 2004, the Examiner refused to enter amendments presented on February 5, 2004. The Advisory Action raised the following issues:

1. The amendments raise new issues that would require further consideration and/or search.

The Examiner concludes that the proposed amendment to step (vii) of claim 1 introduces a new issue and new matter. Specifically, the Examiner concludes that she could not find any support in the originally filed specification or claims for the proposed step of comparing proteins of nonpathogenic versus pathogenic organisms in order to select a conserved peptide non found in both. The Examiner notes that pages 14-16 of the specification disclose comparison of peptides between pathogenic and nonpathogenic organisms, but she concludes,

“...there is no teaching for then selecting a conserved peptide which is not conserved in both types of organisms.”

Applicants appreciate the Examiner's carefully recorded explanation for the Advisory Action. They agree that there is clear support for comparison of peptides between pathogenic and non-pathogenic organisms. They further point out that, throughout the specification, the inventors teach the use of the invention to identify drug targets to treat infection – i.e., to treat pathological organisms. Just one example of that teaching is at page 5 in paragraph 2, where the inventors teach that the invention will allow targeting a specific peptide motif of a pathogenic organism. One skilled in the art would understand clearly that targeting a peptide motif of a pathological organism would involve identifying that motif as compared to non-target organisms – i.e., non-pathological organisms. That same idea is absolutely clear from page 7 in subparagraph vii) where comparison of genomes of pathogenic versus non-pathogenic organisms is specifically taught. Clearly, the genomes are compared as a means to compare peptide motifs as taught, for example at page 5, line 2.

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Accordingly, Applicants present this Request for Continued Examination which will provide the Examiner an opportunity to consider the above recited basis in the specification for the amendment to paragraph vii) of claim 1.

The Advisory Action also concludes that the term "proteome" is undefined. The term proteome has been deleted from claim 1.

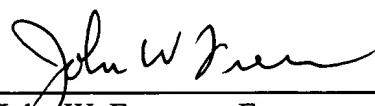
Applicants point out that the remainder of the amendment overcomes the rejections made in the office action mailed November 5, 2003. The amendment deletes hyperlinks at pages 7, 9 and 13 and makes corrections to the claim language as suggested under "Claim Objections" at pages 2-3 of the Office Action. The suggestions are appreciated.

The undersigned respectfully requests a phone interview before any further action is taken on this case.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/7/04


John W. Freeman, Esq.
Reg. No. 29,066

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906